IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15852 of 2004

Between:

Smt. R. Prameelamma W/o. Venkatarama Reddy
Utukuru Village Chintakommadinne Mandal,
Kadapa District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Chintakommadinne

Mandal, Kadapa District.
2 The District Collector, Kadapa.
3 Varam Penchalamma W/o. Venkatasubbanna, Utukuru

Village, Chintakommadinne Mandal, Kadapa District.
4 Varam Amara Lingam S/o. Venkatasubbanna, Utukuru

Village, Chintakommadinne Mandal, Kadapa District.
5 Yeddula Santekka W/o. Chennaiah, Utukuru Village,

Chintakommadinne Mandal, Kadapa District.
6 Gurram Ramanjaneyulu S/o. Ramaiah, Utukuru Village,

Chintakommadinne Mandal, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction mostly one which is in the nature of Writ of Mandamus declaring the order passed by the 1st respondent in ref.B.11/95, dated 05-08-2004 and the consequential notice dated 15-8-2004 issued under Sec. 6 of the Land Encroachment Act, 1905 is illegal, irregular, arbitrary unjustified, unsustainable and unconstitutional and set aside the same holding that the petitioner is entitled to continue to be in possession and enjoyment of the land admeasuring acres 3.25 in Sy.No.141 of Utukur Village, Chinthakommadinne Mandal, Kadapa District.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for Respondents 1 & 2: GP FOR REVENUE

Counsel for Respondent Nos.3 to 6: No appearance.

The Court at the admission stage made the Following:

ORDER:

Against the order passed by the Mandal Revenue Officer under Section 6 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') admittedly an appeal lies to the Revenue Divisional Officer but not to the District Collector under Section 10 of the Act. Since, the petitioner has chosen a wrong forum for filing such an appeal, he cannot complaint in action on the part of the respondent in passing the order.

In view of the same, it is open for the petitioner to approach the authorities for return of papers for enabling him to file the same before the appropriate authority. Status quo obtaining as on today with regard to the possession shall be maintained for a period of 15 days from the date of receipt of a copy of this order for enabling the petitioner to seek appropriate remedy before the appropriate authority.

With the above direction, the Writ Petition is disposed of at the admission stage.

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A. Gopal Reddy, J.

30th August, 2004.

Js.

To

1 The Mandal Revenue Officer, Chintakommadinne

Mandal, Kadapa District.
2 The District Collector, Kadapa.
3 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

4 2 CD copies.